

## **I. REMARKS/ARGUMENTS UNDER 37 C.F.R. 1.111**

### **A. Reply to rejection of claims 1, 2, 8, 16, 17, 88 under 35 USC 102(e) as being anticipated by Demko '377**

Independent claims 1 and claims 2, 8, 16, 17 and 88 depending therefrom were rejected under 35 USC 102(e) as being anticipated by U.S. Pat. No. 6,406,377 B1 to J.P. Demko ("Demko '377"). The Examiner found that the '377 patent discloses a base and a slide having a top surface on which a user may slide, the slide having a top surface, made of a relatively low friction sheeting material, capable of allowing a user to slide in dry or wet conditions.

Demko '377 matured from Appl. No. 09/712,984 filed on November 16, 2000. Attached is a Rule 131 Declaration from Forrest B. Phillips stating under penalty of perjury that his Appl. No. 09/344,302 (" '302"), filed on June 24, 1999, disclosed sheeting material having a low friction, high durability top surface on which a user may slide in dry or wet conditions. The effective date of Demko '377, November 16, 2000, is less than one year prior to the filing date of the present application, March 27, 2001, and the filing date of the '302 application antedates the filing date of the '377 application. The '483 patent demonstrates that Applicant, 17 months prior to the '377 filing date, both conceived and reduced to practice the invention of claim 1. Under Rule 131, Demko '377 may not be used as a prior art reference to reject claim 1. Since claims 2, 8, 16, 17 and 88 depend from claim 1, they also are allowable in view of the '377 reference.

### **B. Reply to rejection of claims 1, 3, and 5-7 under 35 USC 102(b) as being anticipated by Fisher '534**

Claims 1, 3 and 5-7 were rejected under 35 USC 102(b) as being anticipated by U.S. Pat. No. 3,811,534 to J.M. Fisher ("Fisher '534"). The Examiner found that the '534 patent discloses a slide for supporting a user having a top surface with a durable sheeting layer enabling the user to traverse thereon when the surface is wet or dry. However, he overlooked the limitation in

claim 1 of a low friction top surface.

Fisher '534, which is directed to an escape slide having a long inflatable ramp, teaches away from Applicant's invention as claimed in claim 1. The top surface recited in claim 1 is made of low friction material. Use of a low friction material for the ramp of an escape slide could be disastrous; an evacuee accelerating down the slippery ramp would likely suffer serious injury when he reached the bottom. At column 3, lines 54-64, the preferred ramp top surface has "an elastomeric coating providing a substantially unchanging coefficient of friction under both wet and dry conditions....a curved shape is built into the lower end of the slide 10 to decelerate evacuees prior to entering the raft 12. A material having a surface 45 with an extremely high coefficient of friction is used at this curved area on the liner 44 to provide additional deceleration and controlled transfer of personnel into the raft 12." It is evident that the main portion of the ramp surface must also have a coefficient of sliding friction sufficiently high to counteract the acceleration of gravity.

As claim 1 is allowable in view of Fisher '534 and claim 7 depends from claim 1, claim 7 likewise is allowable.

The Examiner alleged that the slide is inflatable "thereby inherently providing it with a somewhat bouncy character."

The '534 patent teaches away from claims 3, 5 and 6. A ramp surface which was both low friction and bouncy would substantially increase the likelihood of disaster, because an evacuee accelerating down the ramp could easily bounce off. Although the escape slide is inflatable, the idea is to inflate with high pressure nitrogen (teaching away from claim 6 which recites "an air blower for maintaining inflation") and then bolster the ramp to make it as rigid as

possible. As stated at column 3, lines 64-67 and column 4, lines 1-2, "...an inflatable truss having inflatable supporting members 46 and 47...and a fabric tension member 48 provide increased stiffening of the slide 10 to resist any tendency of the slide to bend and sag under large loads."

**C. Reply to rejection of claim 10 under 35 USC 103(a) in view of Demko '377**

Since claim 1 is allowable under Rule 131 and claim 10 depends from claim 1, claim 10 likewise is allowable.

## **II. CONCLUSION**

For all the above reasons, Applicant believes that claims 1-3, 5-8, 10, 16, 17 and 88 are now in condition for allowance.

Respectfully submitted,

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